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United States of America

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
  
Plaintiff,  
  
v.  
  
TREVOR CLAYTON MORGAN,  
  
Defendant.

CASE NO. 2:24-CR-0093 KJM  
  
STIPULATION AND PROTECTIVE ORDER  
REGARDING DISCOVERY

**STIPULATION**

Pursuant to 18 U.S.C. §§ 3509(d) and 3771(a)(8) and Federal Rule of Criminal Procedure 16(d), the undersigned parties hereby stipulate and agree, and respectfully request that the Court order that:

1. The discovery to be provided includes documents or other materials falling into one or more of the following categories (collectively, “Protected Information”):

- a) The name or any other information concerning a child (18 U.S.C. § 3509(d)(1)(A)(i)) (“Information Concerning a Child”);
- b) Personal Identifying Information of any individual (other than his or her name) other than the defendant, including any person’s social security number, telephone numbers, email addresses, driver’s license number, or criminal histories (“Personal Identifying Information,” some of which may be redacted prior to providing discovery); and
- c) Financial Identifying Information of any individual or business, including bank

1 account numbers, credit or debit card numbers, account passwords, and taxpayer identification  
2 numbers (“Financial Identifying Information”).

3 2. This Order pertains to all discovery provided to or made available to defense counsel that  
4 constitutes Information Concerning a Child, Personal Identifying Information, and Financial Identifying  
5 Information (hereafter, collectively known as “protected discovery”). Such protected discovery shall be  
6 identified as protected by the government when it is produced to the defense, in a cover letter, or by a  
7 specially-designated Bates range, or through an e-mail message.

8 3. Defense counsel shall not disclose any of the protected discovery or its contents directly  
9 or indirectly to any person other than their respective client, potential witnesses that they are  
10 interviewing or preparing for trial, counsel for those witnesses, or anyone employed by defense counsel  
11 (such as attorneys, paralegals, secretaries, experts, investigators, and law clerks) in connection with the  
12 representation of the defendant in this criminal case.

13 4. The defendant may view the protected discovery in the presence of defense counsel  
14 and/or a defense investigator, but may not retain a copy or otherwise disseminate the contents.

15 5. The protected discovery and information therein may only be used in connection with the  
16 litigation of this case and for no other purpose.

17 6. If there is a substitution of counsel prior to final disposition of the case, new counsel of  
18 record must join this Protective Order before any protected discovery may be transferred from the  
19 undersigned defense counsel to the new defense counsel. New defense counsel then will become defense  
20 counsel for purposes of this Order, and become the custodian of the protected discovery, and shall then  
21 become responsible, upon conclusion of appellate and post-conviction proceedings, for complying with  
22 the provisions set forth in Paragraph 12 below. All members of the defense counsel, whether current or  
23 past counsel, are at all times subject to the Order and are not relieved by termination of representation or  
24 conclusion of the prosecution.

25 7. Defense counsel will store the protected discovery in a secure place, such as a locked  
26 office, and shall use reasonable care to ensure that it is not disclosed to third persons in violation of this  
27 agreement. To the extent any of the protected discovery, or any copies or reproductions thereof, are  
28 stored electronically the protected discovery shall be stored on a password-protected or encrypted

1 storage medium or device. Encryption keys shall be stored securely and not written on the storage media  
2 they unlock.

3 8. If defense counsel makes, or causes to be made, any further copies of any of the protected  
4 discovery, defense counsel will ensure that the following notation is physically written or inscribed on  
5 each copy made, if the confidentiality of the documents is otherwise not already present on the copied  
6 file(s) or hard copies: "CONFIDENTIAL – May Not Be Disseminated Except in Accordance With  
7 Court Protective Order."

8 9. If defense counsel releases custody of any of the protected discovery, or authorized  
9 copies thereof, to any person described in paragraph three, defense counsel shall first provide such  
10 recipients with copies of this Order. The parties agree that defense counsel, defense investigators and  
11 support staff shall not provide the protected discovery to the defendant or any other witness or copies of  
12 the protected discovery, except for the limited situations identified in this Order.

13 10. Defense counsel shall advise the government counsel of any subpoenas, document  
14 requests or claims for access to the protected discovery by third parties if defense counsel is considering  
15 disseminating any of the protected discovery to a third party in order that the government may take  
16 action to resist or comply with such demands as it may deem appropriate.

17 11. Defense counsel shall be responsible for advising the defendant, or his/her client, his/her  
18 employees and other members of the defense team, and defense witnesses of the contents of this Order.  
19 Defense counsel shall not provide or make available to any person described in paragraph three the  
20 protected discovery until that individual has been provided a copy of this Order by defense counsel.

21 12. If it becomes necessary to refer to an identified victim or minor witness during any public  
22 court proceeding or in a public court filing, the parties shall use designated victim numbers for the  
23 identified victim or minor witness, not the actual name of the identified victim or minor witness.

24 13. Upon the final disposition of the case, including exhaustion of direct and collateral  
25 appellate proceedings, defense counsel shall return the protected discovery to the government, or certify  
26 in writing that the protected discovery has been destroyed, or, if defense counsel seeks to maintain the  
27 protected discovery in the defense counsel's files beyond final disposition of the case, seek modification  
28 of this provision from the Court. If any protected discovery is used as defense exhibits, they shall be

1 returned to the government along with the other protected discovery upon the final disposition of the  
2 case, and stored with the government exhibits so long as those are required to be maintained.

3 14. Nothing in this Order shall preclude a party from seeking a more restrictive protective  
4 order or other court order with regard to particular discovery items.

5 15. Defense counsel reserves the right to file objections with the Court concerning the  
6 protected status of any material produced by the government, and to seek a less restrictive protective  
7 order, including an order requiring redactions in lieu of more restrictive measures, to ensure the  
8 defendant has the proper level of access to such material in preparing his defense. The contested  
9 protected materials shall be submitted in camera or under seal to the Court for evaluation, not publicly  
10 filed.

11  
12 Dated: May 15, 2024

PHILLIP A. TALBERT  
United States Attorney

13  
14 /s/ CHRISTINA McCALL  
15 CHRISTINA McCALL  
Assistant United States Attorney

16  
17 Dated: May 15, 2024

/s/ NOA OREN  
18 NOA OREN  
19 Counsel for Defendant  
TREVOR MORGAN

20  
21 **ORDER**

22 By agreement of the parties, and good cause appearing, the Court hereby adopts the stipulation  
23 and the terms contained therein. IT IS SO ORDERED.

24 Dated: May 16, 2024

25   
26 CHI SOO KIM  
27 UNITED STATES MAGISTRATE JUDGE  
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